

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MICHAEL LEE MESSICK, JR.,

Petitioner,

v.

CIVIL ACTION NO. 3:05CV52 &  
CRIMINAL ACTION NO. 3:99CR42-5

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, filed April 11, 2006. The Petitioner did not file objections to the Magistrate Judge's Report and Recommendation.

The Court, after reviewing the above, is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby ORDERED adopted.

The Court, therefore, **ORDERS** that Messick's Petition to Vacate, Set Aside or Correct Sentence (Document No. 1) be **DENIED**. It is further **ORDERED** that this action be **DISMISSED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Report and Recommendation, and **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

ORDER ADOPTING REPORT AND RECOMMENDATION

The Clerk is directed to mail a copy of this order to the pro  
se petitioner, certified mail, return receipt requested, and to  
transmit copies of this Order to all counsel of record.

DATED this 19<sup>th</sup> day of January 2007.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE